

REMARKS

Claims 1-12, 14, 15 and 24-26 are present in this application, and claims 1, 2 and 5-11 stand rejected under 35 USC 102(e) [the undersigned attorney presumes 102(a) was intended, since the reference was published well prior to the priority date of this application] as anticipated by Kohara et al., U.S. Patent No. 6,212,057. This rejection is traversed. More specifically, this rejection is traversed on the grounds that Kohara does not describe a structure comprising a patterned metal foil as that term is used in the present claims.

Present claims 1-11 are directed to a backplane for use in an electro-optic display, the backplane comprising a patterned metal foil having a plurality of apertures extending therethrough, coated on at least one side with an insulating polymeric material and having a plurality of thin film electronic devices provided on the insulating polymeric material. A typical dictionary definition of “foil” is “a very thin sheet or leaf of metal” (taken from Webster’s New Twentieth Century Dictionary”, Collins World, 1976). Whatever the exact words used to define “foil” it is surely inherent in the term that the foil be continuous in the topological sense. Indeed, it is difficult to see what meaning could reasonably be given to “patterned metal foil” if the foil were not continuous, so that the material surrounding the apertures is connected and coheres together as a continuous layer. Furthermore, it is noted that Paragraphs 13-18 of the specification state that metal foil based substrates are used in backplanes to provide excellent handling properties due to the material’s strength, flatness and conductivity (see the last sentence of Paragraph 17). Such properties would not be provided unless the metal foil is continuous and mechanically coherent.

Kohara does not describe any structure having such a metal foil. The structure shown in Kohara’s Figure 6, to which repeated attention is drawn in the Office Action, comprises an organic polymer substrate 1 (cf. column 5, line 31, column 6, line 37 and column 7, line 3 of Kohara), a metal oxide adhesive film 2 (see column 5, line 30, column 6, line 16 and column 7, line 18) metal electrode films 3 (see column 5, line 36,

column 6, line 35 and column 7, line 11, and an inorganic high dielectric film 4 (see column 5, line 35 and column 6, line 35) sandwiched between the metal electrode films 3. Through holes provided with a plating 10 and filled with an electrically conductive paste 11 (column 7, line 6) extend from the metal electrode films 3, through the polymer substrate 1 and are connected to metal electrodes 9 formed on the lower surface (as illustrated in Figure 6) of the substrate 1 (see column 7, lines 2-5).

Despite the misleading reference at column 7, lines 14-15 of Kohara to “metal electrode films 9” it is readily apparent from Kohara that the metal electrodes 9 form a series of isolated electrodes and do not form a patterned metal foil as required by present claims 1-11. There is nothing in Figure 6 or the related description in column 7 of Kohara to suggest any electrical connection between the two illustrated electrodes 9, and every reason to believe they are not connected, since an electrical connection between the two illustrated electrodes would short circuit the illustrated capacitor and render it useless.

The foregoing comments are applicable to all of claims 1, 2 and 5-11. However, there are additional reasons why Kohara does not anticipate some of these claims. With regard to claims 5 and 6, Kohara does not disclose a structure in which a metal foil is coated on both sides with an insulating polymeric material. The reference in the Office Action to Figure 1 of Kohara in connection with the rejection of claims 5 and 6 is not understood, since the structure shown in this Figure does not contain any metal foil whatsoever, only a polymeric substrate 1 coated with a metal *oxide* adhesive layer 2 (see column 5, lines 29-35 of Kohara). If the intended reference is to the “double-sided” structure of Figure 4 of Kohara, it is respectfully noted that this structure also does not contain any metal foil. Furthermore, there is nothing in Figure 1 or Figure 4 of Kohara which could reasonably be interpreted as the “plurality of apertures” required by present claims 1, 5 and 6.

With regard to claims 10 and 11, there is no reference in Kohara to the use of his capacitor in an electro-optic display; the stated use of Kohara's capacitor is in flexible and compact electronic equipment such as an IC card (see column 1, lines 6-10).

For the foregoing reasons, Kohara does not anticipate any of claims 1, 2 and 5-11.

Incidentally, there is nothing in Kohara to suggest that there are a plurality of thin film electronic devices (i.e., capacitors) present on the substrate 1.

The 35 USC 103(a) rejections of claims 3-4, 12, 14, 15 and 24-26 as unpatentable over Kohara are traversed.

As regards claims 3, 4, 12 and 15, these rejections are traversed for essentially the same reasons as the 35 USC 102 rejection of claim 1 discussed above, namely that Kohara does not disclose a metal foil (patterned or otherwise) only a series of isolated electrodes which do not constitute a continuous metal foil. As regards claim 14, it is again noted that there is no reference in Kohara to the use of his capacitor in an electro-optic display; the stated use of Kohara's capacitor is in flexible and compact electronic equipment such as an IC card (see column 1, lines 6-10).

With regard to claims 24-26, it is again noted that Kohara does not disclose a metal foil (patterned or otherwise) only a series of isolated electrodes which do not constitute a continuous metal foil, nor does Kohara describe any electro-optic material, much less a central portion comprising such an electro-optic material and a peripheral portion free from the electro-optic material, as required by present claim 25.

For the foregoing reasons, the 35 USC 102 and 103 rejections set out in the Office Action are unjustified and should be withdrawn. Reconsideration and allowance of all claims remaining in this application is respectfully requested.

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Since the prescribed period for responding to the Office Action expired November 14, 2008, a Petition for a three month extension of this period is filed herewith.

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